

REMARKS

Claims 1-23 are pending, with claims 1, 5, 16 and 20 being independent. Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1-6 and 13-23 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Auerbach et al. (U.S. Patent No. 6,549,937) in view of Dutta (U.S. Patent Application Pub. No. US 2002/0072980) and in further view of Sitbon (U.S. Patent No. 5,568,487). Claims 7, 9 and 10 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Auerbach, Dutta and Sitbon, in further view of Kamath (U.S. Patent No. 6,754,696). Claims 8 and 11 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Auerbach, Dutta and Sitbon, in further view of Kamath and Buchanan et al. (U.S. Patent No. 6,665,674). Claim 12 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Auerbach, Dutta and Sitbon, in further view of Beddus et al. (U.S. Patent No. 6,694,375). These contentions are respectfully traversed.

Independent claims 1, 5, 16 and 20 are directed to translation of a call corresponding to an application program interface (API) for a first transport-layer connection-oriented protocol to one or more protocol messages defined by a second transport-layer connection-oriented protocol, if the call and

the file descriptor are of a first type, where the one or more protocol messages are recognized by a node or device that obtains the one or more protocol messages for processing according to the first transport-layer connection-oriented protocol. (Emphasis added.) The art of record fails to teach or suggest this claimed subject matter.

Auerbach describes a multi-protocol instant messaging system, in which message data and commands are transformed, by a conversion platform layer using an application programming interface, to conform with the messaging requirements and communication protocols of different service providers. (See Auerbach's Abstract.) In Auerbach's system, a first application layer protocol of the conversion platform is converted into a second application layer protocol of the service provider for processing by the service provider according to the second protocol. Auerbach's system provides, "a conversion between the protocol or functionality used by the client 102 and the unique protocol or functionality used by the individual service providers 106-110." (See Auerbach at col. 5, lines 38-41.)

Nowhere in Auerbach or the art of record is there any suggestion of translating a call, corresponding to an application program interface for a first transport-layer connection-oriented protocol, to one or more protocol messages recognized by a second node, the one or more protocol messages

being defined by a second transport-layer connection-oriented protocol, and communicating the one or more protocol messages to the second node for processing according to the first transport-layer connection-oriented protocol. (Emphasis added.) In fact, the portion of Auerbach cited for this feature clearly indicates that the service providers process the received messages according to the second protocol and not the first: "The services protocol module converts from the unified functionality of the API to the unique messaging format and protocol of its respective service provider. Certain commands that are supported by only selected service providers will be routed only to the service protocol modules that support the particular command." (See Auerbach at col. 2, lines 44-50.) Thus, independent claims 1, 5, 16 and 20, and all of their dependent claims are patentable for at least this reason.

Furthermore, the art of record fails to teach or suggest performing call translation "if the call and the file descriptor are of a first type", as claimed. Sitbon's use of file descriptors is relied upon in combination with Auerbach for this feature. However, Sitbon does not teach examining a file descriptor to determine whether to perform translation, but rather teaches using a file descriptor to identify a local connection endpoint and to follow a connection end for communication through a sequence of transport function calls.

(See Auerbach at col. 6, lines 11-20.) Thus, even assuming that Sitbon can reasonably be combined with Auerbach, the combined functionality does not teach examining a call and a file descriptor, and translating the call if the call and the file descriptor are of a first type. (Emphasis added.)

Furthermore, a prima facie case of obviousness has not been established by the various proposed combinations of Sitbon, Kamath, Buchanan and Beddus with Auerbach. These references describe technologies which are very different from the instant messaging of Auerbach. Moreover, for the proposed combinations of Kamath, Buchanan and Beddus with Auerbach, no motivation to combine has been identified in the references themselves or in the knowledge generally available to one of ordinary skill in the art. Thus, the patent office has not met their burden of providing motivation to combine Sitbon, Kamath, Buchanan or Beddus with Auerbach. Moreover, and there is no reasonable chance of success for the proposed combinations due to the very different technologies involved.

For all of these reasons, it is respectfully suggested that independent claims 1, 5, 16 and 20 are patentable over the art of record. Dependent claims 2-4, 6-15, 17-19 and 21-23 are patentable based on the above arguments and their own merits. For example, claims 2, 13 and 17 are directed to, as recited in claim 2, "processing the call using an operating system of the

application node if the call and the file descriptor are of a second type." The cited portion of Auerbach describes processing performed by the SP1 protocol services module 130, not by the operating system as claimed. For claims 4, 15, 19 and 23, the address associated with the file descriptor in Sitbon corresponds to the "distant entity to be connected" and not to a network connection as claimed.

The presently claimed subject matter provides, among other advantages, an efficient mechanism for offloading transport layer protocol processing from an application node. For example, TCP/IP (Transmission Control Protocol/Internet Protocol) processing can be offloaded to proxy nodes in a storage area network (SAN) using a lightweight protocol based on SAN Transport. (See the present specification at page 13, lines 5-23.) The art of record fails to teach or suggest offloading transport layer protocol processing as claimed.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific issue or comment does not signify agreement with or concession of that issue or comment. Because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent

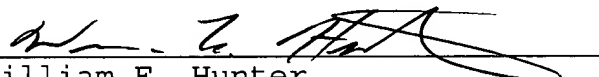
to concede any issue with regard to any claim, except as specifically stated in this paper.

It is respectfully suggested for all of these reasons, that the current rejection is totally overcome; that none of the cited art teaches or suggests the claimed features, and therefore that all of these claims should be in condition for allowance. A formal notice of allowance is thus respectfully requested.

No fees are believed due with this reply. Please apply any necessary charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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